

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Consumer Protection and Safety Division  
Rail Crossing Engineering Section

Resolution SX-50  
October 24, 2002

**R E S O L U T I O N**

RESOLUTION SX-50 RECOMMENDATION TO THE CALIFORNIA  
TRANSPORTATION COMMISSION TO SET ASIDE THE FUNDING  
FOR MAINTAINING AUTOMATIC GRADE - CROSSING  
PROTECTION DEVICES UNDER PUBLIC UTILITIES CODE SECTION  
1231.1

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**Summary**

This resolution recommends to the California Transportation Commission (CTC) to set aside the sum of \$4,250,000 for the 2003-2004 fiscal year. The funding is for the purpose of paying the local governments' share of the cost of maintaining automatic grade crossing warning devices.

**Background**

The Grade Crossing Protection Maintenance Fund was established by the Legislature in 1965 to pay railroads corporations the share of the cost of maintaining automatic protective devices installed or upgraded after October 1, 1965. The Public Utilities Code Section 1231.1 requires the Department of Transportation (CALTRANS) to set aside a minimum of \$1,000,000 for allocation to the Public Utilities Commission (PUC).

In 1998, an amendment to Public Utilities Code Section 1231.1<sup>1</sup> was enacted which specifies that the PUC may recommend a sum greater than \$1,000,000 be set aside if it finds that the \$1,000,000 is not sufficient due to an increase in the number of grade -

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<sup>1</sup> AB 3065, (Polanco) September 29, 1988.

crossing warning devices or an increase in the cost of maintenance of those devices. The specific amount of the total allocation shall be determined by the CTC.

## Discussion

When the automatic grade-crossing protection maintenance fund was first established in 1965, the maximum annual allocation of \$1,000,000 was sufficient to cover all claims filed by railroad and street railroads corporations. However, the increase in the number of crossings protection devices caused claims to exceed the funds available for the calendar years 1977 and thereafter.

The railroads perform the required maintenance during a given calendar year, then file a claim with the PUC for reimbursement. These claims are paid from fiscal year budgets. For the past five years, claims and payments were as follows:

<u>CY*</u>	<u>FY*</u>	<u>No. of Crossings</u>	<u>Total Claims</u> (S)	<u>Total Paid</u> (S)
'97	97-98	3,033	4,330,149	4,250,000
'98	98-99	2,950	4,259,422	4,250,000
'99	99-00	3,104	4,465,069	4,250,000
'00.	00-01	3,087	4,489,062	4,250,000
'01	01-02	2,975	4,348,183	4,250,000

\*CY-Calendar Year

\*FY-Fiscal Year

The maintenance fund claims for calendar year 2002 are expected to be at or near the budgeted \$4,250,000 for FY 2002-2003. Therefore, an allocation of \$4,250,000 will be needed for the 2003-2004 fiscal year.

## Finding

For the 2003-2004 fiscal year, the sum of \$4,250,000 will be needed to pay the local governments' share of the costs of maintaining automatic grade-crossing warning devices.

This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

**THEREFORE, IT IS ORDERED that:**

In accordance with Public Utilities Code Section 1231.1, the Public Utilities Commission recommends to the California Transportation Commission that a sum of \$4,250,000 be allocated for the 2003-2004 fiscal year for the purpose of paying to railroad or street railroad corporations the share of the costs to cities and counties of maintaining automatic grade-crossing devices.

I hereby certify that this Resolution be adopted by the Public Utilities Commission at its regular meeting on October 24, 2002. The following Commissioners approved it:

/s/ WESLEY M. FRANKLIN

WESLEY M. FRANKLIN  
Executive Director

LORETTA M. LYNCH  
President  
CARL W. WOOD  
GEOFFREY F. BROWN  
MICHAEL R. PEEVEY  
HENRY M. DUQUE  
Commissioners